


| | | | |
|-------------------------------|------------------------|---|--|
| Notice of Allowability | Application No. | Applicant(s)  | |
| | 10/782,220 | STRYKER ET AL. | |
| | Examiner | Art Unit | |
| | Michael Trettel | 3673 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 02/19/04.
2. ☒ The allowed claim(s) is/are 32 and 33.
3. ☒ The drawings filed on 19 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


 Michael Trettel
 Primary Examiner
 Art Unit: 3673

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The following was inserted as a new line 1 on page of the application:

--This is a division of Serial No. 10/192 405, filed July 10, 2002, now U.S. Patent No. 6,725,479.--

Reasons For Allowance

The following is an examiner's statement of reasons for allowance: both claims 32 and 33 set forth the combination of following elements: a patient support deck with a head and seat section, a first bed side rail mounted to the deck and movable to extend above the seat section, an elongate rail extending coextensively with the patient support deck on the opposite lateral sides with one end of the rail(s) ending adjacent an edge of the seat section, and a bracket mounted to each the rails movable along the length of the rail with a second bed side rail being mounted upon the bracket. The above combination of elements is not shown or suggested by the prior art of record. The concept of an elongate accessory rail with a bracket that supports a handle or rail is old and well known in the art, see the cited patents to Kinder (5,678,267) for an example of such. Propst (3,233,255) shows the use of an accessory rail upon the various sections of an articulated patient support. In general, the use of a pivoted side guard or side rail is very well

Art Unit: 3673

known in the art, see the cited patents to Laganière et al (5,689,839) or Schilling for examples of such. The use of an auxiliary hand rail or assist arm which extends above a bed seat section adjacent to a pivoted side rail is also known, see the cited patents to Brooke et al (6,473,921) or Brooke et al (6,728,985) for examples. In particular, the Brooke et al assist arms are attached directly to the frame member of the bed such that they are adjacent the seat section of the bed, and are not mounted upon an elongate rail by means of a movable bracket as is claimed. There does not appear to be any motivation within the art to provide the Brooke et al assist arms with such a mounting rail and bracket, and as such the claims are considered to be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 10/782,220

Page 4

Art Unit: 3673

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Michael Trettel
Primary Examiner
Art Unit 3673